

CHURCH AND STATE

A MONTHLY REVIEW

VOL. 13, NO. 5

MAY 1960



Bishop Frank Supports Mill Creek Suit With Cogent Words on Separation

Bishop Eugene M. Frank of the St. Louis area of the Methodist Church has issued a statement which has been characterized by one observer as "the most cogent statement of the American doctrine of separation of church and state to come from a clergyman in the past two decades." Bishop Frank's utterance had its immediate focus on church-state problems in Missouri, but it ranged over wide areas of church-state concern.

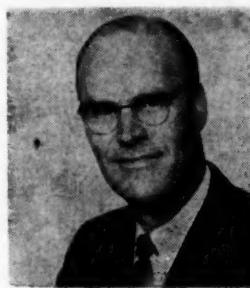
Bishop Frank declared that the resale of federally acquired land to St. Louis University, a Jesuit institution of the Roman Catholic Church, at a drastically reduced price, was deemed by many "a violation of freedom." He said that the lawsuit challenging this procedure had been brought by drastically reduced price, was deemed Christian lawyers and jurists in Missouri."

Candid Clergyman

Writing with complete candor the Methodist leader pointed out that "Methodists are currently victimized, persecuted, and punished for their beliefs in many countries where this (religious) freedom is denied." Citing the separation principle as a safeguard of religious freedom, he asserted that Methodists have maintained "a constant vigil" against violations even though this involved "enormous sacrifice" on their part. He said: "The Methodist Church is committed in practice and philosophy to the complete separation of church and state and views any direct or indirect support for institutions of religion from public funds as a violation of Constitutional rights and a threat to freedom."

Methodists Paid Full Price

In reply to a churchman who had charged that Methodists, too, had profited in the Mill Creek re-development program Bishop Frank took cognizance of the participation in the project of Centenary Methodist Church. He explained that Centenary had acquired a small lot and that the congregation paid the current asking price per front foot for the land without special favoritism even though



Bishop Eugene M. Frank

this required the church "to assume a tremendous burden."

Bishop Frank stressed Methodist support of the separation principle by recalling that "Methodism recently lost a great university in order to keep this trust of freedom sacred." He declared that "every semblance of a break in this American doctrine which protects and supports our freedom must be vigilantly and everlastingly examined. The case of the Mill Creek project cannot and must not be an exception."

The St. Louis *Globe-Democrat* which, like the *Post-Dispatch*, has strongly supported expansion of St. Louis University at public expense, gave adequate treatment to Bishop Frank's views.

The Wisconsin Primary

The Wisconsin primary disclosed "the religious factor" in the 1960 campaign. Senator Kennedy's triumph over Senator Humphrey was largely fashioned in three largely Catholic Congressional districts. Two, incidentally, are heavily Republican. Here Kennedy scored overwhelmingly. Explanation: Republican, McCarthyite "cross-overs" provided the Kennedy bulge.

Protestants Challenged To Observe Constitution

Protestant leaders of North Carolina were asked by POAU last month to be particularly careful in observing the Constitution at a time when questions have been raised about the Catholic Church for attempting to impose its own theories about the separation of church and state upon American communities.

The request was sent by Glenn Archer, Executive Director of POAU, to a prominent North Carolina Baptist pastor, who asked for a legal opinion concerning the constitutionality of Bible classes taught for credit in North Carolina high schools. The plan, which was originally opposed by a noted North Carolina Baptist, Dr. Edwin McNeil Poteat, first president of POAU, has been in force in a number of North Carolina high schools for several years. After Dr. Poteat's protest, it was terminated in some towns but not throughout the state.

The proposed plan which has drawn opposition from POAU's national headquarters would bring into public high schools teachers whose salaries would be paid by outside religious institutions. The Bible would be taught in the schools on an elective basis, and one credit would be given for the completion of the course.

Archer Replies

In his letter to a North Carolina Baptist leader, an opponent of the scheme, Mr. Archer quoted the words of the U. S. Supreme Court in the Everson case (printed elsewhere in this issue), and said "The practice as you describe it is clearly unconstitutional under the ruling of the United States in the famous Everson bus case, and it is also clearly unconstitutional under the Court's ruling in the McCollum case, which was concerned with religious instruction in public schools."

(Continued on page 6)

• Editorials •

Pattern of Preemption

Citizens of the Washington, D. C. area have been aroused to action recently by the attempted transfer of two community hospitals to orders of the Roman Catholic Church. The institutions are the Silver Spring Hospital and the Greater Southeast Community Hospital.

It is the identical maneuver for sectarian preemption of community facilities which has outraged Washington citizens. How much deeper their indignation if they were to realize that what they have observed twice within weeks in the Washington area is but a part of a nation-wide pattern of such operations. In a score and more of comparable situations all around the country multi-million dollar community hospitals are being preempted by the aggressive tactics of this same church. Four of these take-overs are now being opposed in lawsuits supported by POAU.

The pattern of all is distressingly the same. First, in a burst of public spirit, citizens band together to build a community hospital. Substantial funds are raised, a site is acquired—often on public land. Sometimes the hospital itself is built, and it is the problem of management which causes the turn to a Catholic order. Or, sometimes, the argument is made that the local committee cannot quite put the thing over—not quite enough money, not quite enough know how, etc., etc.

Handsome Offer

In either case, Catholic Actionists who have been biding their time now step forward with a handsome offer from some order of nuns in their denomination. If, they declare, all the resources accumulated to date are turned over to the nuns, they will graciously agree to put up the rest of the money and manage the institution. The institution, of course, will be turned over, lock, stock and barrel, to them.

It is usually averred that other churches have been appealed to in vain, that only the Roman Catholic Church is capable of coming in and saving the situation. This is the way it has to be if the community wants a hospital. As soon as the agreement is consummated, the nuns stage a big community fund raising drive with semi-coercive tactics to ensure contributions. In this manner "their

share" of the hospital fund is provided. This is the pattern.

We have two observations concerning it: First, this sort of thing is happening so frequently that we are convinced it represents a nation-wide conspiracy to preempt community, public hospitals as properties and agencies of the Roman Catholic Church. Second, we consider it patent nonsense that a country as wealthy as the U.S. should be confronted, time after time, with the dilemma that if we are to have hospitals the Catholic Church must own and manage them.

If the community can't do it, the state can; if the state can't do it, the Federal government can. We reject in toto the logic of inevitable dependence on one church where hospital facilities are concerned.

+

Restraint Without Censorship

"Religion Growing as Presidential Issue." So run the headlines in the newspapers, and they are amply supported by the news and the opinion polls. More people are talking today about ecclesiastical policy and the separation of church and state than ever before.

Happily, the old taboo against frank discussion about Catholicism and the presidency has been broken even on the air. Paul Blanshard has appeared on five television programs recently with Catholic leaders, and many similar discussions have been carried on the air since Glenn Archer and Dr. John A. Mackay appeared for POAU on *The Great Issue*, in 1958.

We welcome this breaking of the sound barriers, but we believe a word of warning is necessary concerning the literature which is now circulating in the underworld of gossip, bigotry and scandal. While rational discussion of Catholic policy is going on at the top level, irrational discussion is breaking out at both ends of the dialectical spectrum. Extreme anti-Catholic literature is being sent through the mails, while simultaneously the Catholic diocesan newspapers are publishing plausible-sounding distortions of fact and criticism.

Maturity Both Ways

As critics of Catholic policy on church and state, it is our first duty to see that anti-Catholicism does not run amok. In March, Glenn Archer, Executive Director of POAU, publicly criticized as "fallacious and hysterical" three anti-Catholic docu-

ments now being circulated, the alleged memoirs of Maria Monk, the fake Knights of Columbus Oath, and a pamphlet on the assassination of Abraham Lincoln. The first two of these documents have been proved false; the third draws inferences which are unjustified.

"It is true," said Mr. Archer, "that several Catholics conspired with others to assassinate Abraham Lincoln, but if all the assassins had been Methodists, we could not blame the Methodist Church for it."

Simultaneously, Mr. Archer praised the Post Office Department for refusing to bar any "anti-Catholic" literature. It is free speech that we need, not suppression. No lover of American freedom wants either political or ecclesiastical censorship. The great need is for realism, rationality and restraint.

UN on the Alert?

U.N. members are urged by that body's Commission on Human Rights to combat all manifestations of racial and religious prejudices and to punish those responsible. The group asks the Secretary General to arrange, in consultation with the governments in whose territory such acts had occurred, to obtain full information concerning them and measures which had been taken to combat them.

Church and State

Published Monthly (except August) by
Protestants and Other Americans United for
Separation of Church and State
Decatur 2-4044

1633 Mass. Ave., N. W., Washington 6, D. C.
Minimum Annual POAU Membership \$5.00,
\$3.00 of which is for annual Subscription to
Church and State
Second class postage paid at Washington, D. C.
Member of Associated Church Press

Honorary President Honorary Vice-President
Charles C. Morrison J. M. Dawson

Honorary Treasurer
E. H. DeGroot, Jr.

President Treasurer
Louie D. Newton Harold C. Fitz

Recording Secretary
Herbert S. Southgate

Vice-Presidents

G. Bromley Oxnam John A. Mackay
Dick H. Hall

Executive Director Associate Director
Glenn L. Archer C. Stanley Lowell

Director of Organization
John C. Mayne

Board of Trustees

The Officers, with

Miss Charl Ormond Williams, Clyde W. Taylor,
Ellis H. Dana, W. K. Haddock, C. Emanuel Carlson,
Theodore H. Palmquist, Frank W. Blackwelder,
W. Stanley Rycroft, John C. Thompson,
W. Melvin Adams

Editors
Glenn L. Archer C. Stanley Lowell
Contributing Editors
John C. Mayne John Waring
Gaylord Briley Elaine Bowers

CHURCH AND STATE

NEWS From Far and Near

◆ Evangelist Billy Graham found renting a private hall for his meetings in Tel Aviv more difficult than any place he had ever been. In fact, he couldn't arrange it at all. One manager frankly admitted that the Israeli Government had given him orders not to rent to Graham. Graham finally spoke in a small Protestant church in Jaffa.

◆ A one hundred per cent rise in immigration quotas is now being sought via a new bill in Congress. The proposal, which has the blessing of President Eisenhower, would double the present quota under which about 154,000 persons are admitted annually. (Immigration from Puerto Rico is not included in the quota since that island is treated as territory of the U.S.)

◆ Dr. Saul Charris, Representative from the Dept. of Atlantico, has spoken out in the Colombian House of Representatives in regard to the persecution of Protestants in that country. He charged that the "Mission Territory" Concordat with the Vatican was null and void since it had never been approved by Congress as Article 53 of the Constitution specifically requires.

◆ A curious church-state mixup resulted in Dijon, France where Russian Premier Khrushchev was to have been received by the local mayor. The mayor happens to be a Roman Catholic priest, Canon Felix Kir. But, being a priest, Fr. Kir is under the discipline of the Roman Catholic Church. Fr. Kir was ordered by his superior, Cardinal Gerlier, not to meet Khrushchev. He appealed to the Vatican in vain. Faced with a conflict between his civil duty and ecclesiastical orders, Fr. Kir yielded to the latter and permitted himself to be "kidnapped" by police. He did, however, send a personal note to Khrushchev expressing his concern for peace.

◆ Second Baptist Church, Madrid, closed by the Spanish government, has been granted official permission to reopen. The pastor, the Rev. Jose Nunez, was recently fined and sentenced to jail for opening the doors and entering to hold a prayer meeting. (See POAU pamphlet: "Ecclesiastical Justice in Spain.") The Baptist congregation at Elche was saddened, however, by a Franco government order that they must stop meeting in their pastor's apartment above their closed chapel. The chapel had been wrecked by Franco's police.

◆ Writing in *The Christian Century* (Mar. 16) George Leiper wonders why Pope John XXIII was so concerned about the Chessman case when the treatment of prison inhabitants in Italy ranks with the world's worst. The Pope, he says, has never commented on these "inhuman conditions." Before the Pope visited a Rome jail last Christmas all the "unpredictable" prisoners were transferred to other jails.

◆ A local appeals court in Italy has moved to clarify an Italian law which forbids public criticism of the Roman Catholic Church. A Baptist pastor, the Rev. Donato Cretarolo had been convicted last year under Article 402 of the penal code, of "insulting the religion of the state" and sentenced to two weeks in jail. The verdict was overturned on appeal, the court holding that theological criticism of the Roman Catholic religion did not constitute an insult.

◆ The Roman Catholic Church does not believe in complete separation of church and state, Archbishop Egidio Vagnozzi, Apostolic Delegate to the U.S. said in an address on Pope Leo XIII at Loyola University in Chicago. He added, however, that "whether (Catholics) remain a minority, or become a majority, I am sure American Catholics will not jeopardize their cherished freedom in exchange for a privileged position."

◆ Foreign Minister Castilla of Spain who recently visited President Eisenhower and Secretary of State Herter in Washington was given an honorary citation by Georgetown University. He was formerly Spain's Ambassador to the Vatican and wears the Iron Cross, conferred upon him by Hitler's Government for services during the War to the Nazi regime.

◆ *The Christian Century* reports that a Protestant service at Urena, in Tachira state, Venezuela, near the Colombian border, was broken up by Catholic Actionists. Led by three priests, one from Colombia, a Catholic mob jeered and threw stones, injuring four persons. Police terminated the meeting to avoid bloodshed. When a San Cristobal newspaper reported the incident the local bishop threatened to excommunicate the paper's owner if he did not fire the writer of the story. The reporter was fired.

LOOK Magazine Publishes Protestant View

Look Magazine which recently published a Catholic view of religion and the presidency by Father John A. O'Brien, will publish in its issue of May 8 a comprehensive article presenting a Protestant view of the same subject. The article has been written by Bishop G. Bromley Oxnam, a vice-president of POAU and until recently Chairman of the Council of Bishops of the Methodist Church; and Dr. Eugene Carson Blake, former president of the National Council of Churches, and executive head of the United Presbyterian Church, U.S.A.

We commend this article to our readers as a fair statement of the position of Protestants. It refutes the misrepresentations by Father O'Brien, who attempted to equate POAU with the Know-Nothing Movement of the 1850's.

Although Look magazine was flooded with protests after the O'Brien article, it has been learned that the editors were planning the publication of an article presenting a Protestant point of view even before the protests. It cannot be said fairly that the editors yielded to pressure. The editors have pursued a policy for several years of printing both sides of important religious controversies.

Archer Urges Frank Talk With President of Colombia

President Eisenhower was urged to seek a frank discussion with President Lleras-Camargo of Colombia of problems relating to religious freedom in that country when the two met in April. In a letter sent to President Eisenhower March 11 Glenn L. Archer, executive director of POAU, reminded the President that Protestant groups "have had many difficulties in practicing their faith in Colombia and they have been subjected to many pressures."

The Archer letter stated that "it would be a welcome topic of conversation if you would raise with President Lleras-Camargo, a wise, liberal statesman, the question of religious freedom for Protestants in his country."

In his concluding paragraph the POAU leader wrote: "We believe that an expression of concern for religious freedom in Colombia by the President of the U.S. in a matter which so intimately involves our country's free tradition would be proper and desirable and would have the sincere approval of the great majority of citizens of all faiths in both lands."

HOW THE ROMAN CATHOLIC CHURCH WOULD CHANGE THE CONSTITUTION

American Catholic leaders frequently claim that even if the majority of the American people became Catholic, they would not in any way change the First Amendment to the Constitution which guarantees religious freedom and the separation of church and state. What does this language mean? Non-Catholics are frequently deceived because they do not realize that Catholic leaders are using the word "church," the word "state," and the word "separation," in a kind of double-talk which distorts the meaning of the Constitution while still claiming to accept it.

We submit below written proof that when the Catholic Church tells non-Catholics that it supports the First Amendment, it is actually opposing the Supreme Court's interpretation of that amendment. If the wall of separation between church and state is to be preserved, this erosion by deception must be exposed.

In the left column, we have published the statement from the *Catholic Lawyer*, described as a "correct explanation of the First Amendment," in the issue for the Winter of 1960. Under this interpretation of the Constitution unlimited public funds could be paid both to Catholic schools and to the Catholic Church itself. Also, preferential treatment would be considered constitutional "short of according it monopolistic recognition." Under this interpretation, also, non-believers would have no claims under the Constitution for freedom of non-belief.

In the right-hand column we have published, with legal citations, what the Supreme Court of the United States actually says about preserving religious freedom and the wall of separation between church and state.

These conflicting interpretations by the Catholic Church and the U. S. Supreme Court concern the same First Amendment which reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . ."

The Catholic Position

1. The idea of the separation of church and state as a "wall of separation" between the church and the state is only a metaphor, a figure of speech, a slogan, or a shibboleth which is not a part of the American tradition of constitutional history.

2. The First Amendment was not intended to divorce religion from government or to impose government neutrality between believers and disbelievers but to meet in a practical manner the problems raised by a multiplicity of sects by prohibiting Congress from adopting any one religion.

3. There was no intent on the part of the drafter to bar a general support of religion by the federal government, and therefore the limitation does not prohibit the non-preferential expenditure for religious purposes of funds raised by federal taxes.

4. The First Amendment does not bar preferential treatment of a particular religion or sect short of according it monopolistic recognition.

Thus, since the constitutional provisions were only for equality among believers, the Constitution does not in any way guarantee freedom of non-belief. (*Catholic Lawyer*, Winter, 1960, p. 65.)

The Supreme Court's Position

The "establishment of religion" clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbelief, for church attendance or non-attendance.

No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between Church and State." (*Everson vs. Board of Education*, 333 U. S. 1)

Separation means separation, not something less. Jefferson's metaphor in describing the relation between Church and State speaks of a "wall of separation," not of a fine line easily overstepped. . . . "The great American principle of eternal separation"—Elihu Root's phrase bears repetition—is one of the vital reliances of our Constitutional system for assuring unities among our people stronger than our diversities. It is the Court's duty to enforce this principle in its full integrity. (Concurring opinion of Justice Felix Frankfurter in *McCollum vs. Board of Education*, 333 U. S. 203)

Kennedy's Church-State Credo

Still Blasted by Clerics

When Senator John F. Kennedy, leading candidate of Roman Catholic faith for the Presidency, undertook to clarify his independence from his church's hierarchy last year, he met an anguished reaction in the diocesan press. The *Review* (April and May, 1959) described how one official publication after another of the Roman Catholic Church attacked Senator Kennedy's insistence that he could be independent of his church on "moral and spiritual" issues which also happened to be civil issues. These attacks on Senator Kennedy continue.

Among the Catholic publications which have attacked Senator Kennedy's credo of independence are *The Monitor* (Trenton, N. J.), *Catholic Free Press*, *Indiana Catholic and Record*, *The Denver Register*, *The Brooklyn Tablet*, *The Providence Visitor*, *The Monitor* (San Francisco), *Michigan Catholic*, *St. Louis Review*, *North Carolina Catholic*, *Kansas City-St. Joseph, Mo. Register* (all diocesan publications)

Also such national publications as *Ave Maria, America*, (the Jesuit mouthpiece), and *Commonweal*, (so-called "liberal" publication).

Church-state observers regarded the almost unanimous stand of the diocesan press as indicative of the kind of clerical pressure Kennedy might be under as President. Newest attack on Kennedy's credo of independence appeared in the publication of St. Barnard parish in Pittsburgh. The priest there, Fr. Joseph L. Lonergan, has written in the March 8 issue: "If Senator Kennedy said what he is quoted as saying he does not know what he is talking about. Senator Kennedy does not have the background of Catholic philosophy and history to discuss Catholic subjects. Therefore he ought to keep his mouth shut on Catholic matters. All he can do is mislead Catholics who do not know any more than himself."

Senator Kennedy has apparently not been intimidated. When asked about possible dictation from his church on "moral and spiritual" issues, he replied: "I will not accept dictation from any source."

BULK COPIES

Could your church or group use a monthly bundle of this paper?

Write for special bulk rate.

Circulation Desk, POAU

1633 Mass. Ave., N.W.

Washington 6, D.C.

Marine in Sectarian Appeal; Free Mail Abuse Is Charged

The Director of the 8th Marine Corps at New Orleans was apparently responsible for widespread distribution of a piece of sectarian promotion at the New Orleans branch of the Department of the Navy. The case seemed quite comparable to that involving Lt. Col. Joseph J. Weidner, of the Air Reserve Center, at Albuquerque, New Mexico last year. (See *Review*, Mar. 1959)*

In a zealous anti-Communist appeal sent under the Navy's free-mailing privilege, this Navy official had included a promotion piece from the "Cardinal Mindszenty Foundation." This organization, so its pamphlet declares, "Invites You to Combat Communism With Knowledge and Facts." A whole series of pamphlets and booklets distributed by the Foundation, together with prices, is noted in detail.

A POAU inquiry addressed to Navy Secretary W. B. Franke said: "We should like to inquire as to what the rules of the Navy may be regarding the use of free mailing privileges to send out promotion items for a private, sectarian organization." The Navy has indicated that it will make a full inquiry into the episode.

*Lt. Col. Joseph J. Weidner received a "slap on the wrist" for his use of the Air Force's free-mailing privilege to solicit funds for a Roman Catholic orphanage. He was punished under Article 15, Section 1, Act of May, 1950, which provides that "For minor offenses, any commanding officer may, without the intervention of a court-martial, impose punishment upon officers . . . of his command." Such punishments include withholding of privileges, restriction to specified limits, or forfeiture of not to exceed one-half pay for a period not exceeding one month.

*

One Love— Conflicting Faiths

The film on interfaith marriage bearing the above title depicts the pathetic block to mutual love and respect which often exists when a Protestant and a Catholic, both of strong faith, are joined in marriage.

This film, previously reviewed here, may be rented from any Cokesbury Book Store and also from many other denominational agencies. Rental—black and white, \$5; color, \$8.

Sectarian Pattern Revealed in Maine Bus Bill Voting

A bill to provide bus transportation to parochial schools in Maine was defeated in a special session of the Legislature called for the purpose of passing such a measure. (See *March Review*.) An analysis reveals that the voting on the bill was almost strictly along religious lines with Roman Catholics to a man voting for, and Protestants and others, almost to a man, voting against.

Thus the Legislature duplicated the performance of the Supreme Court which voted 4-2 against expenditures for parochial transportation under present law. Four Protestant justices voted to uphold separation and two Roman Catholic justices voted for sectarian privilege.

The Maine Senate has 35 members. The vote against parochial buses at public expense was 18-15. Ten Roman Catholics and 5 Protestants voted for the bill. It was defeated by 0 Catholics and 18 Protestants. There are 151 members of the House. The parochial bus bill was defeated there 76 to 69. For the bill were 30 known Catholics and 22 known Protestants. Against the bill were 0 known Catholics and 70 known Protestants. Fifteen of unknown faith voted for the bill. Six of unknown faith voted against it. There are two Jews in the House: both voted for the parochial buses.

S. R. O. in Mo.

The largest single audience to see a POAU movie was recently reported in Harrisonville, Mo., at the Blue River Baptist Association.

Rev. Willard L. Bright, pastor of the First Baptist Church, Lee's Summit, Mo., said that 1,200 were present for a showing of "Captured," POAU's film on church-controlled public schools.

Since its release last fall, "Cap-
(Continued on page 6)

Ruinous Competition

"(The Latin American countries) are open to anybody; they are open to genuine Catholicism but in just the same way they are open to other influences: laicism, spiritism, secularism, communism, masonry, Protestantism, or whatever it may be. And that's the real problem within the Catholic Church in Latin America today: a continent which had always been traditionally Catholic is now open to anybody and everybody and being lost to the Church."

—Fr. Roger E. Vekemans, S. J. in *Ave Maria*, Jan. 9, 1960

Church Gambling Closed Down; Priest Shuts, Reopens School

Police recently raided and terminated illegal bingo games at St. Agatha's Roman Catholic school in Philadelphia. Fr. William J. Walsh, priest in charge, angrily announced that the parish would have to close its parochial school because gambling revenues provided about \$70,000 of the church's \$90,000 budget. Such gambling is illegal under Pennsylvania law.

But when higher officials in Philadelphia overruled the police and announced that the law would *not* be enforced against churches, the games resumed at St. Agatha's and at Gesu Church. So the parochial school kept open as usual.

This was the bizarre turn of events initiated when a Protestant minister, the Rev. William A. Drury, and four others filed a complaint with Philadelphia police that the games at St. Agatha's were fostering juvenile delinquency. Police Commissioner Thomas J. Gibbons promptly called a halt to the games. "There was nothing I could do but stop it," he declared, "It's a violation of the State gambling laws."

Msgr. John J. Noone, chancellor of the Archdiocese, said that his church stood for law and order. "We must uphold the law," he announced. There was general lament at police determination to enforce the gambling laws against churches, and the lament was intensified with the announcement by Fr. Walsh that St. Agatha's school would close. Police captain Richard Clegg said sadly: "The people love it (bingo); the games were orderly." Mayor Dilworth explained that he could see nothing wrong in such games when they were conducted to raise funds for the church.

Presently First Assistant District Attorney Paul M. Chalfin put Commissioner Gibbons in his place. "We do not feel that the games are a violation . . . of the law," he explained. He pointed out that the games were run for a charitable purpose.

The day following the announcement of the closing of the school it was announced that the school would remain open. Now it is reported that the games are continuing at St. Agatha's and also at Gesu Church, another favorite gambling center. Mr. Drury said he would see City Solicitor David Berger in a last effort to have church gambling games banned.

Baptists to Quiz All Candidates

All candidates for public office are to be interrogated by the Baptist Joint Committee on Public Affairs in regard to their attitude on church-state issues. This is indicated in a Baptist release March 7 from Dr. C. Emanuel Carlson, executive director.

Social action agencies of Baptist conventions are also to make inquiries. Special emphasis was placed by the Baptist statement on civic participation in the democratic processes. A lack of such participation was noted in the failure of qualified citizens to vote. "The survival of democracy during the next couple of decades may well hinge on the degree of civil involvement. . . .," said Dr. Carlson.

S. R. O. in Mo.

(Continued from page 5)

tured" has been viewed in every state (including Alaska and Hawaii), in Guam, Canada, and in Western Europe. It has been shown before churches, PTA's, fraternal bodies, lawyers' groups, college and seminary assemblies, ministerial associations—and certain Catholic organizations.

Summer Film Dates Open

"CAPTURED"

(A dramatic 40-minute motion picture about clerical control of public schools, produced by POAU)

Some summer dates still open.

Write today for information.

Film Dept., POAU
1633 Mass. Ave., N.W.
Washington 6, D.C.

Quote of the Month

Father Raymond J. Neufeld has classed Masons with abortionists, as equally repugnant to the Catholic Church in the *Tablet* of November 14, 1959. In summarizing the classes of persons who are subject to automatic excommunication from the Roman Catholic Church he said: "An example . . . would be the excommunication incurred by a Catholic who joins the Masons or one who procures an abortion—the penalty is automatic, *ipso facto*, incurred by the fact that the offense was committed. No sentence of a judge is necessary."

Protestants Challenged

(Continued from page 1)

"Under the Supreme Court's rulings, released time instruction in religion is constitutional if held away from public school buildings, without credit. If Bible instruction or any other type of religious instruction, which can honestly be described by such words, is held within a public school building, or in connection with the school's curriculum, that is a violation of the First Amendment of the U. S. Constitution. It "establishes" a religion by using public property for the promotion of that religion. This reasoning does not exclude school lunches, medical care, and in some states bus transportation, but religious instruction within the public school building is outlawed."

"Our organization, in the name of consistency, and law observance, asks the Baptist leaders of North Carolina to remember that the principle of the separation of church and state must be applied with an impartial hand to all religious organizations."



The proposed transfer of the Sutro Library from the San Francisco Public Library to quarters at the Jesuit University of San Francisco has been ruled legal by Superior Judge Gerald M. Desmond. The collection is famed for a number of original manuscripts of Martin Luther. The Sutro heirs have indicated they will not appeal.

* * *

The Mississippi Legislature has passed a bill enabling state courts to dismiss the trustees of a church and appoint new ones on receipt of a petition approved by two-thirds of the congregation. The action regulating churches was passed, it was said, to prevent racial integration of Methodist congregations.

* * *

Both Assembly and Senate in New York have approved legislation providing mandatory free bus transportation to parochial schools up to a limit of 10 miles. Under present law such transportation was contingent on approval of the school district. Even if disapproved, however, parochial schools frequently secured the transportation by making a "hardship" appeal to the Commissioner.

* * *

Cincinnati Methodists are irate over what they allege to be a discriminatory differential in amounts being paid by the city for Calvary Methodist Church and St. Joseph's Roman Catholic Church, two properties being acquired in an urban renewal program. Methodists said they could not see why the huge Calvary Church, often pronounced one of the most beautiful in the city, should be worth only \$330,000 while St. Joseph had a price tag of \$450,000.

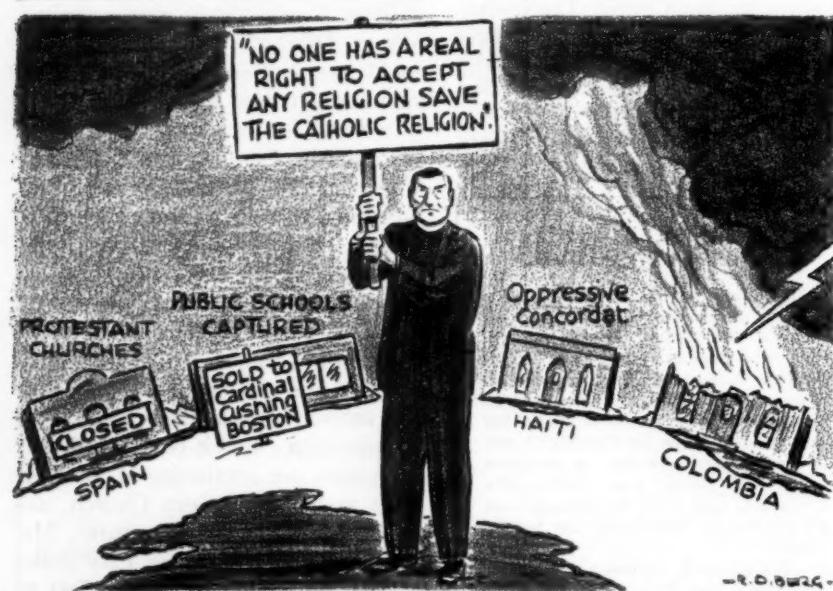
* * *

Do compulsory attendance laws apply to children whose parents have a conscientious objection to their attending school? Washington Supreme Court has held 5-4 that Mr. and Mrs. William Wold may not keep their daughter, Alta Lee, 13, out of school for religious reasons even though they give her equivalent education at home. The case will be appealed to the U.S. Supreme Court.

* * *

The South Burlington, Vt. School
(Continued on page 8)

CHURCH AND STATE



* From *Freedom of Worship*, by Monsignor Francis J. Connell, Dean of the School of Sacred Theology, Catholic University of America. Paulist Press, 1944, Imprimeur: Francis Cardinal Spellman.

Committee on Federal Aid Hears POAU Interpretation

The Federal government should be exceedingly cautious about providing public assistance for institutions which are integrally related to churches, warned C. Stanley Lowell, associate director of POAU, at hearings on March 25 of a House Subcommittee on Special Education under the chairmanship of Rep. Carl Elliott, (D.-Ala.)

Commenting on aid to church-related colleges, the POAU spokesman said: "There can be no doubt that in most instances such an institution is an agency of its parent body. If this were not true, the whole purpose of the sectarian college would be lost." He added that "the widening and enlargement of the concept of Federal aid to sectarian colleges may endanger the independence and the autonomy of the church enterprise."

Mr. Lowell reminded the committee that the Defense Education Act of 1958 had been manipulated in such a way that "the training of clergymen in theological seminaries is being financed through fellowships to individuals and supporting grants to the institutions involved."

He pointed out that the precedents for Federal aid to sectarian institutions already written were inspiring sectarian devotees to plead for more and more such aid. "They are even urging that if they do not receive the same aid as public institutions they are being discriminated against."

"Such an argument is interesting. It is based on the premise that the exercise of a liberty carries with it an option on the public treasury. This is a logic the Congress cannot afford to accept...."

Sounds Warning

Mr. Lowell closed his testimony with a warning against state control of the churches: "The business involvement of churches with government under the aid categories already existing, is considerable. As one spigot after another is turned on, and the dribbles of Federal aid to church institutions become a sustained flow, it is inevitable that denominational leaders will look more and more in this direction for their financing. It is inevitable, too, that in so doing they will pay less attention to their own constituency and its spiritual development.... They will tend to become more and more an adjunct of government, more and more tied in with official concern as supervision and control inevitably follow the flow of Federal funds...."

Rome's Religious Freedom

The Church of Rome has been under formidable pressure to alter its traditional stand in regard to freedom for other religious groups. Some of its leaders are aware of this and are realistically trying to adapt the church's teaching to the new situation. The story of this effort is described in *Roman Catholicism and Religious Liberty* by A. F. Carrillo de Albornoz, associate for the Study on Religious Liberty of the World Council of Churches.

The item is obtainable (no price listed) from this body at 17 route de Malagnou, Geneva.

This work is in no sense a statement of the Roman Catholic position in regard to religious freedom. That is what it is not. The author states clearly in the introduction that he proposes to examine "only one Roman Catholic tendency concerning religious liberty." This is the tendency to make room for the idea of freedom of other churches as a matter of right rather than of circumstantial toleration.

The classic Roman Catholic position on religious freedom is well known. It is simply that only the Catholic Church has a real right to conduct public worship and that others ("error") cannot have the same right. Restrictions on non-Catholic worship will depend, however, on times and conditions. Indeed, there may be a prudential wisdom in allowing full freedom to others even when Roman Catholics are in large majority.

The pressure on the traditional Roman position has come from two quarters: (1) the difficulties encountered in adapting this Roman Catholic concept to a free, democratic society.

(Continued on page 8)

Methodist Council Endorses POAU

One of the most powerful agencies of the Methodist Church has given strong endorsement to the program of POAU. The Coordinating Council of the Methodist Church, after conducting a four-year study of POAU as directed by the General Conference of 1956, has adopted a recommendation to the General Conference of 1960 which:

(1) Commends the efforts of POAU to preserve the principle of separation of church and state as presently expressed in the First Amendment of the Federal Constitution and the constitutions and laws of most states;

(2) Urges POAU to continue and accelerate its program to prevent the use of public funds for the support of church activities in the U.S.;

(3) Urges upon Methodist people and churches and conferences the importance of providing financial support for POAU.

the interest of his alma mater.

Parents Are Warned

London.—The Bishops of England warned that parents commit sin if they send their children to non-Catholic schools in defiance of the Church. The Bishops said in a joint statement that "parents who act in this way give bad example and tempt other parents to imitate them. Great harm can be done, especially to weaker Catholics, by this example."

France Honors Nun

—The Catholic Register, March 26, 1960.

Roman Catholic propaganda frequently denies that there is any real enforcement of Canon Law 1374 which orders all Catholic children to attend segregated Catholic schools and denies their parents freedom of choice in this matter. The pictured notice above demonstrated that Canon Law 1374 is indeed enforced whenever clerics feel able to make it stick.

First Time Offered

New Pamphlets From POAU Press

"AMERICA'S FINEST HOUR"

The complete text of Glenn L. Archer's address at Boston Conference of POAU—including his reply to magazine article attacking POAU.....

Quantity

"THE SILVER SPRING HOSPITAL STORY"

Background of another public hospital project "taken over" by a church, by E. P. Felker, POAU Special Counsel.....

.....

"WHERE TOLERANCE IS TREASON"

Methodist Bishop Richard C. Raines' address at POAU Boston Conference—how far can churches stretch the Constitution?.....

.....

5c each or 100 for \$3, plus 25c for higher postage

(Your name and address are on back of coupon. Just fill in order, enclose check and mail.)

POAU 1633 Massachusetts Avenue, N.W., Washington 6, D.C.

VICTIMS OF RELIGIOUS INTOLERANCE

Protestant Protests:

No Bus For Catholic Students -- Mother And Six Children Die

(Editor's Note: On September 12 Mrs. Zimmerman and her six children, they were deprived of the was necessary and when those all the rest of us enjoy and to parents were contributing to which they are forced to con-

Above headlines reproduced from *The Times Review*, La Crosse, Wisc., Oct. 8, 1959.

This is a sample of the kind of propaganda being disseminated by Citizens for Educational Freedom, a group organized to agitate for public subsidies to Roman Catholic schools. A woman grieving over a traffic accident which took the lives of a mother and six children, purports to blame their deaths on Protestants who have denied public funds for parochial buses. No mention is made of the bishops whose orders keep Roman Catholic children out of public schools and public school buses as well.



Rome and Religious Freedom

(Continued from page 7)

ciety; and (2) the threat of Communism which prompts the Roman Church to seek allies in her war for survival—even at the price of conceding full freedom to "false" forms of worship. Both these factors are recognized by Dr. Carrillo.

Problems of Freedom

There are certain special difficulties which inhere in effecting this about-face in Roman Catholic teaching. One is that repeated proscriptions of religious freedom have been sounded in the "infallible" encyclicals of the Popes. Beginning at page 70, Dr. Carrillo describes how the apologists for freedom sweat over the 19th century pronouncements of the Popes. Such tortured exegesis has never before been attempted! What

labored convolutions to show how and why the Popes did not say what they obviously did say! How much easier for these harried souls if only they had the right to say: "The Popes were wrong."

Then, there is another complicating factor which faces advocates of the new "liberal" view. This is the truth which Dr. Carrillo admits on page 77 that "there is still no authoritative and decisive statement of the highest Roman Catholic hierarchy in favor of religious freedom . . ."

One Will, One Word

Not only is this true, it must also be recalled that such highest authority has so often in the past intervened on the side of reaction and put an end to one promising development after another within the Roman communion. The new attitude on religious freedom advocated by some of the clergy can be and perhaps will be vetoed by a single unilateral pronouncement of the Pope.

This has already happened on other subjects—and, indeed, on this very subject as recently as 1953. In that year Cardinal Ottaviani's reiteration of the classic line that "error has no rights" except by sufferance was declared "unexceptionable" by the Vatican and the Catholic freedom cult had to scurry for cover.

All freedom-loving Americans will commend these courageous prophets within the Roman Church and hope that their labors will not be lost. At the same time, they must realistically recognize that all these labors mean little or nothing in a church governed like the Roman Catholic Church until they gain sanction at the top. There may be certain advantages to a church with an absolutely authoritarian ruler. This is one of the disadvantages.

From an American point of view there is one lamentable weakness in Dr. Carrillo's book. It is written by a man totally unfamiliar with church-state separation as developed in the States. He does mention it once, yet he quotes with evident approval the Roman Catholic description of this arrangement as "the secularist system of complete separation . . . an unfortunate 'relic' of anti-religious Liberalism."



The Law in Action

(Continued from page 6)

Board has announced that it will appeal to the Supreme Court of that state a decision that the use of public funds for tuition to parochial schools is unconstitutional. The action was brought last year by C. Raymond Swart of South Burlington.

* * *

Enroll Today

(Please print clearly)

Name _____

Street _____

City _____ Zone _____ State _____

() New () Renewal \$ _____ Enclosed

\$5 basic annual membership includes \$3 for subscription to CHURCH AND STATE.

POAU

1633 Massachusetts Ave., N.W.
Washington 6, D.C.

MAY 1960, VOL. 13, NO. 5